
The 14th Agrahayana, 1935 (S. E.)

**THE HIGH COURT OF MEGHALAYA
SHILLONG****NOTIFICATIONS**

The 19th November, 2013.

CONTEMPT OF COURTS (HIGH COURT OF MEGHALAYA) RULES, 2013.

No.HCM.II/430/2013/5237. - In exercise of the powers conferred under Arts. 215 and 225 of the Constitution of India, Section 23 of the Contempt of Courts Act, 1971 and all other powers hereunto enabling, the High Court makes the following rules :

PART I

- 1. Short Title** – These rules may be called the Contempt of Courts (High Court of Meghalaya) Rules, 2013.
 - (a) These rules shall extend to the State of Meghalaya.
 - (b) These rules shall come into force from the date of publication thereof in the official Gazette.
- 2. Definitions** – In these rules unless there is anything repugnant in the subject or the context –
 - (a) “Act” means the Contempt of Courts Act, 1971 (Act No.70 of 1971);
 - (b) “Section” means a section of the Act;
 - (c) “High Court” means the High Court of Meghalaya;
 - (d) “Judge” means a Judge or an Additional Judge or a Judge appointed thereto under Act. 224-A of the Constitution of India, of High Court of Meghalaya.
 - (e) “Registrar General” includes the Registrar, Joint Registrar and such Deputy Registrar or Assistant Registrar as may from time to time be specified by the Chief Justice;
 - (f) All other words and expressions used in these rules, but not defined herein, shall have the meaning respectively assigned to them in the Act.

PART II**COGNIZANCE AND PROCEDURE****A-GENERAL**

3. (1) Every petition, reference or motion for taking proceedings under the Act shall be registered as civil original petition (contempt) in respect of civil contempt and criminal original petition (contempt) in respect of criminal contempt.

(2) In proceedings initiated by petition, the initiator shall be described as the petitioner and opposite party as the respondent, and in other cases the description of the persons proceeded against shall be as follows :

“In re A son of.....occupation.....resident of.....”

4. (a) Every petition under R.3 shall contain –

(i) the name, description and place of residence of the petitioner or petitioners and of the person or persons charged;

(ii) nature of the contempt alleged, and such material facts including the date or dates of the commission of the alleged contempt, as may be necessary for the proper determination of the case;

(iii) if a petition has previously been made by him on the same facts, the petitioner shall give the details of the petition previously made and shall also indicate the result thereof.

(b) The petition shall be supported by an affidavit.

(c) Where the petitioner relies upon a document or documents in his possession or power, he shall file such document or documents or true copies thereof with the petition.

(d) No Court fee shall be payable on the petition or on any documents filed in the proceedings.

5. (1) Every reference relating to contempt of court subordinate to the High Court shall be scrutinized by the Registrar General who shall place the same before the Chief Justice or any other Judge nominated by him in this behalf for obtaining orders after noting thereon the nature of the contempt.

(2) When any publication, application, letter of intimation is received by post or otherwise called for any action being taken under the Act by the High Court on its own motion, the matter shall be dealt with in the manner prescribed in sub-rule (1). In the case of criminal contempt of a subordinate court, the Chief Justice or the Judge, as the case may be, may direct that the papers be sent to the Advocate General of the State.

6. (1) Every petition, motion or reference in relation to criminal contempt shall, unless the Chief Justice directs it to be heard by a larger bench, be laid for motion hearing before a Division Bench.

(2) Every petition, motion or reference in relation to civil contempt shall, unless directed otherwise by the Chief Justice, be laid before a single Bench.

(3) Every notice issued by the High Court shall be in the form appended to these rules and shall be accompanied by a copy of the motion, petition or reference as the case may be, together with the copies of the affidavits, if any.

(4) The notice shall bear the date, the seal of the High Court and shall be issued under the signature of the Registrar General.

(5) Notice of every proceeding under the Act shall be served personally on the person charged, unless the High Court for reasons to be recorded, directs otherwise.

(6) The High Court may, if satisfied that the person charged is absconding or likely to abscond or is keeping or likely to keep out of the way to avoid service of the notice, order the issue of warrant of his arrest which, in the case of criminal contempt, may be in lieu of or in addition to the attachment of his property under sub-sections (3) and (4) of Section 17 of the Act. Such warrant may be endorsed in the manner laid down in Section 71 of the Code of Criminal Procedure, 1973, in terms of the order of the High Court.

(7) Whenever the High Court issues a notice, it may, if it sees reason so to do, dispense with the personal attendance of the person charged with the contempt and permit him to appear by his pleader, and may, in its discretion, at any stage of the proceedings, direct the personal attendance of such person, and, if necessary, enforce such attendance in the manner hereinbefore provided.

7. (1) When any person charged with contempt appears or is brought before the High Court and is prepared, while in custody or at any stage of the proceedings to give bail, such person shall be released on bail, if a bond for such sum of money as the High Court thinks sufficient is executed with or without sureties on condition that the person charged shall attend at the time and place mentioned in the bond and shall continue to so attend until otherwise directed by the High Court:

Provided further that the High Court may, if it thinks fit, instead of taking bail from such person discharge him on his executing a bond without sureties for his attendance as aforesaid, or without executing such bond.

(2) Notwithstanding anything contained in sub-rule(1) where a person fails to comply with the conditions of the bail bond as regards the time and place of attendance, the High Court may refuse to release him on bail, when on a subsequent occasion in the same case he appears before the High Court or is brought in custody and any such refusal shall be without prejudice to the powers of the High Court to call upon any person bound by such bond to pay the penalty thereof.

(3) The provisions of Sections 422 and 450 of the Code of Criminal Procedure, 1973, shall, so far as may be, apply to all bonds executed under the rule.

B- CRIMINAL CONTEMPTS

8. (1) Any person charged with criminal contempt referred to in Section 14, may file an affidavit in support of his defence on the date fixed for his appearance or any other date fixed by the High Court in that behalf.

(2) If such person pleads guilty to the charge, his plea shall be recorded and the High Court may, in its discretion, either convict him thereon or accept bail for his appearance at such time, as may be appointed, to receive its judgment.

(3) If such person refuses to plead or does not plead, or claims to be tried or the High Court does not convict him on his plea of guilty, it may determine the matter of the charge either on the affidavits filed or after taking such further evidence as may be necessary.

C- CIVIL CONTEMPTS

9. In the case of a civil contempt other than a contempt referred to in Section 14, the High Court may take action-

(a) on its own motion; or

(b) on a Petition presented by the party aggrieved; or

(c) in the case of any civil contempt of a subordinate court on a reference made to it by that court.

10. (1) In a case of civil contempt, other than a contempt referred to in Section 14, the person charged may file his affidavit by way of reply to the charge and shall serve a copy thereof on the Petitioner or his counsel at least seven days before the date of hearing.

(2) No further return, affidavit or document shall be filed except with the leave of the High Court.

11. In the case of a civil contempt, the High Court may determine the matter of charge either on affidavits filed or on such further evidence as may be taken by itself or recorded by a subordinate court in pursuance of a direction made by it, and pass such order as the justice of the case requires, having regard to the provisions of sections 12 and 13 of the Act.

PART III APPEALS

12. (1) Every appeal filed under the Contempt of Courts Act, 1971 shall be numbered as Contempt Appeal.

(2) Every such appeal shall be posted before a Division Bench for orders as to whether notice shall issue to the respondent.

(3) The procedure for regulation of such appeals shall be the same as for appeals under Cl.15 of the Letters Patent.

PART IV MISCELLANEOUS

13. Every person against whom proceedings are initiated under the Act may of right be defended by an advocate of his choice competent to appear before the High Court.

14. A Paper Book consisting of the documents specified in R.4 shall be filed by the petitioner or the Advocate-General as the case may be, in triplicate in a case of criminal contempt and in duplicate in a case of civil contempt. Thereafter, as many copies of the Paper Book as there are respondents to whom notice is issued shall also be furnished along with the process fee prescribed in R.16.

15. (1) In a case where any proceedings are taken on a reference by a subordinate court or by the High Court on its own motion, the Registrar shall prepare the paper-book in triplicate in a case of criminal contempt and in duplicate in a case of civil contempt. Such Paper Book shall consist of the following documents:

(i) Reference or motion,

(ii) The objectionable material, if any, alleged to constitute contempt,

(iii) Any other document which the Registrar General may deem fit to include or which the High Court may require.

(2) All relevant material brought on the record from time to time shall be included in each paper-book.

(3) In any such case, the Court may, at any stage, appoint an advocate for the conduct of the proceedings.

16. The rules contained in High Court Rules shall, in so far as they may be applicable, govern the processes issued under these rules.

17. The rule relating to the grant of copies and translation of records contained in the High Court Rules shall, in so far as they may be applicable, govern proceedings under the Act.

18. When any person is summoned by the High Court to appear as a witness in any proceedings under the Act, the expenses of such witness, as determined according to the rules for the time being in force, shall be paid by the Registrar General out of the Contingency Fund; provided that the court may direct any party to such proceedings to expenses.

19. The High Court may direct any party to a proceeding under the Act to pay the costs thereof as determined by it to any other party thereto.

20. It shall be the duty of the Registrar General to carry out, enforce and execute the orders passed by the High Court in any proceeding under the Act, and in particular, orders imposing fines or awarding costs.

ANNEXURE
Form of Notice
[See Rule 6(3)]

Notice

CRIMINAL/CIVIL ORIGINAL SIDE
CRIMINAL/CIVIL¹ ORIGINAL (CONTEMPT) Petition No..... of 20.....

Proceedings under Contempt of Courts Act, 1971 (Act No.70 of 1971)

Whereas from the material laid before this Court, it has been made to appear that you are guilty of contempt of court, punishable under Section 12 of the Contempt of Courts Act, 1971, the proceeding in the matter will be laid before the Court for the determination of the charge on the20.....(Actual).

You are hereby directed to attend this Court at 10.00 a.m. on the20..... in person/in person or through counsel² to answer the charge and to file an affidavit/an affidavit at least 7 days before the said date in support of your defences if any.

Given under my hand and the seal of the Court, thisday of.....20.....

SEAL

Registrar General
High Court of Meghalaya

Note 1. *This shall be so stated only if an express order in this behalf has been passed by the High Court. In the absence of such an order this alternative shall be deleted.*

Note 2. *This alternative is to be mentioned only in cases of civil contempt.*

REGISTRAR GENERAL

The 25th November, 2013.

APPOINTMENT OF ARBITRATORS BY THE CHIEF JUSTICE OF HIGH COURT OF MEGHALAYA SCHEME 2013

NO.HCM.II/430/2013/5333. In exercise of the powers conferred under Sub-section (10) of section 11 of the Arbitration and Conciliation Act 1996, the Chief Justice of High Court of Meghalaya makes applicable following scheme, with effect from the date it is notified by the Registrar General of the Court.

1. **Short Title.-** This Scheme may be called the Appointment of Arbitrators by the Chief Justice of High Court of Meghalaya Scheme 2013.
2. **Submission of request –** The request to the Chief Justice under Sub-section (4) or Sub-section (5) of Sub-section (4) of section 11 shall be made in the writing and shall be accompanied by-
 - (a) The original arbitration agreement or a duly certified copy thereof;
 - (b) The names and addresses of the parties to the arbitration agreement;
 - (c) The names and addresses of the arbitrators, if any, already appointed;
 - (d) The names and addresses of the person or institution, if any, to whom or which any function has been entrusted by the parties to the arbitration agreement under the appointment procedure agreed upon by them;
 - (e) The qualifications required, if any, of the arbitrators by the agreement of the parties;
 - (f) A brief written statement describing the general nature of the dispute and the points at issue;
 - (g) The relief or remedy sought; and
 - (h) An affidavit, supported by the relevant documents, to the effect that the condition to be satisfied under sub-section (4) or sub-section (5) or sub-section (6) of section 11, as the case may be, before making the request to the Chief Justice, has been satisfied.

By Order,

REGISTRAR GENERAL

The 25th November, 2013.

**APPOINTMENT OF ARBITRATORS BY THE CHIEF JUSTICE OF
HIGH COURT OF MEGHALAYA SCHEME 2013**

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2. **Submission of request** – The request to the Chief Justice under Sub-Section (4) or Sub-Section (5) or Sub-Section (6) of Section 11 shall be made in writing and shall be accompanied by-
 - (a) The original arbitration agreement or a duly certified copy thereof;
 - (b) The names and addresses of the parties to the arbitration agreement;
 - (c) The names and addresses of the arbitrators, if any, already appointed;
 - (d) The names and addresses of the person or institution, if any, to whom or which any function has been entrusted by the parties to the arbitration agreement under the appointment procedure agreed upon by them;
 - (e) The qualifications required, if any, of the arbitrators by the agreement of the parties;
 - (f) A brief written statement describing the general nature of the dispute and the points at issue;
 - (g) The relief or remedy sought; and

(h) An affidavit, supported by the relevant documents, to the effect that the condition to be satisfied under Sub-Section (4) or Sub-Section (5) or Sub-Section (6) of Section 11, as the case may be, before making the request to the Chief Justice, has been satisfied.

3. **Authority to deal with the request** – Upon receipt of a request under paragraph 2, the Chief Justice may either deal with the matter entrusted to him or designate any other person or institution for the purpose.
4. **Forwarding of request to designated person or institution** – Where the Chief Justice designates any person or institution under paragraph 3, he shall have the request along with the documents mentioned in paragraph 2 forwarded forthwith to such person or institution and also have a notice sent to the parties to the arbitration agreement.
5. **Seeking further information** – The Chief Justice or the person or the institution designated by him under paragraph 3 may seek further information or clarification from the party making the request under this scheme.
6. **Rejection of request** – Where the request made by any party under paragraph 2 is not in accordance with the provisions of this scheme, the Chief Justice or the person or the institution designated by him may reject it.
7. **Notice to affected persons** – Subject to the provisions of paragraph 6, the Chief Justice or the person or the institution designated by him shall direct that a notice of request be given to all the parties to the arbitration agreement and such other person or

persons may seem to him or is likely to be affected by such request to show cause, within the time specified in the notice, why the appointment of the arbitrator or the measures proposed to be taken should not be made or taken and such notice shall be accompanied by copies of all documents referred to in paragraph 2 or, as the case may be, by information or clarification, if any, sought under paragraph 5.

8. Withdrawal of authority – If the Chief Justice, on receipt of a complaint from either party to the arbitration agreement or otherwise, is of opinion that the person or institution designated by him under paragraph 3 has neglected or refused to act or is incapable of acting, he may withdraw the authority given by him to such person or institution and either deal with the request himself or designate another person or institution for that purpose.

9. Intimation of action taken on request – The appointment made or measure taken by the Chief Justice or any person or institution designated by him in pursuance of the request under paragraph 1 shall be communicated in writing to –

- (a) The parties to the arbitration agreement;
- (b) The arbitrators, if any, already appointed by the parties to the arbitration agreement;
- (c) The person or the institution referred to in paragraph 2 (d);
- (d) The arbitrators appointed in pursuance of the request.

10. Request and communications to be sent to. Registrar General– All requests under the scheme and communications relating thereto which are addressed to the Chief Justice shall be presented to the Registrar General or other Officer not below the rank of Assistant Registrar, of this Court, who shall maintain a separate Register of such requests and communications.

- 11. Delivery and receipt of written communications** – the provisions of Sub-Section (1) and (2) of Section 3 of the Arbitration and Conciliation Act, 1996 shall, so far as may be, apply to all written communications received or sent under this scheme.
- 12. Costs for processing requests** – The party making a request under this scheme, on receipt of notice of demand from –
- (a) The Registrar General or the Officer not below the rank of Assistant Registrar of the Court, where the Chief Justice makes the appointment of an arbitrator or takes the necessary measures, or
 - (b) The designated person or the institution, as the case may be, where such person or institution makes appointment of arbitrator or takes the necessary measure pay an amount of ₹ 100/- at the initial stage and any further amount required in accordance with the term of such notice towards the costs involved in processing the request.
- 13. Interpretation** – If any question arises with reference to the interpretation of any of the provision of this Scheme, the question shall be referred to the Chief Justice, whose decision shall be final.
- 14. Power to amend the Scheme** – The Chief Justice may, from time to time, amend by way of addition variation any provision of this Scheme.

By Order,

REGISTRAR GENERAL